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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/742,956      | 12/20/2000  | Robert L. Baldino    | 78990DMW            | 8705             |

7590 03/25/2004

Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

SAX, STEVEN PAUL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2174

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/742,956

Applicant(s)

BALDINO, ROBERT L.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Prabhakaran (5904727).

4. Regarding claim 1, Prabhakaran shows a method for producing a digital image for display including receiving position information corresponding to a geographical location where the digital image is captured (Figure 2, Figure 7, column 3 lines 10-30, column 5 lines 20-30), converting the position information into at least one user perceivable image capture location icon (column 3 lines 20-33, column 6 lines 55-65, Figure 5), generating a display comprising the digital image and capture location iconic region having at least one associated graphical image capture location icon (Figure 5, column 6 lines 55-65, Figure 2).

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5. Regarding claim 2, the position information is from a global positioning system (Prabharakan column 1 lines 41-45).
6. Regarding claim 3, the capture location icons are interactive (Prabharakan column 6 lines 45-65, column 13 lines 14-20).
7. Regarding claim 4, the iconic region has a plurality of hierarchically layered image capture location icons arranged according to geographic specificity (Prabharakan Figures 2; 5, column 8 lines 34-58).
8. Regarding claim 5, the icons are linked and activated for display (Prabharakan column 10 lines 50-65, column 11 lines 15-20).
9. Regarding claim 6, the 'website icon' is a map image which is hyperlinked to the map database (Prabharakan column 8 lines 20-50).
10. Regarding claim 7, the map image icon is layered with the image capture location icons (Prabharakan Figures 2 and 5).

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11. Regarding claim 8, the icon corresponds to an entity (the truck) affiliated with the image capture location (Figures 10 and 25 for example).

12. Regarding claim 9, an icon library is accessed and an icon is generated from there based on position information (column 6 lines 5-68, column 7 lines 1-10).

13. Claims 10, 12-21 show the same information as above and are rejected for the same reasons.

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 11 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prabharakan (5904727).

16. Regarding claims 11 and 22, Prabharakan does not specifically show the Radio Triangulation system, but Examiner takes Official Notice that this is a technique used in positioning systems. It would have been obvious to a person with ordinary skill in the

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art to use this in the method of Prabharakan, because it would be a convenient technique to use in a positioning system.

17. Regarding claim 23, a digital camera is not specifically mentioned in Prabharakan, but digitizing and rastering techniques are (column 3 lines 5-20). Official Notice is taken that a digital camera is well known in the art to capture a digital image. It would have been obvious to a person with ordinary skill in the art to use a digital camera to generate the digital image data for to generate the icon, because it would be a convenient way to generate digital data.

18. Applicant's arguments filed 12/18/03 have been fully considered but they are not persuasive. Prabhakaran does in fact show the receiving element which receives the position information. Applicant first questions receiving the information but then merely qualifies the type of position information. It does include in fact where the image is captured. This position information is converted into a user perceivable image capture icon. If applicant means anything more, this must be brought out in the claims. Applicant quotes many sections of the art in attempts to distinguish the present invention, but please note that the claims are broad. Applicant is invited to contact Examiner to discuss claim interpretation.


19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published-applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
/s/ [Signature]  
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